

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION
Civil Action No. 4:13-cv-0_____

Catherine B. Newkirk,

Plaintiff,

v.

James B. Enzor, individually and as an
officer of the South Carolina Highway
Patrol, and the South Carolina Department
of Public Safety,

Defendants.

NOTICE OF REMOVAL

NOW COMES Defendant South Carolina Department of Public Safety (“SCDPS”) and James B. Enzor, individually and in his official capacity (“Defendant Enzor”) (collectively, “the Defendants”), by and through their respective undersigned counsel, pursuant to Rule 81(c), Federal Rules of Civil Procedure, to remove the above-captioned case filed by Plaintiff Catherine B. Newkirk.

In support of this Notice of Removal, the Defendants show as follows:

1. Plaintiff filed this action in the Court of Common Pleas of Florence County. A copy of the Summons and Complaint is attached as Exhibit A.
2. SCDPS was served on or about May 31, 2013.
3. Defendant Enzor was served on or about May 22, 2013.
4. Plaintiff’s First Cause of Action purports to state claims for alleged violations of the United States Constitution under 42 USC § 1983. Such claims present a federal question under 28 U.S.C. § 1331, over which this Court exercises original jurisdiction. As such, the case may be removed under 28 U.S.C. § 1441.

5. This Notice of Removal is timely filed pursuant to 28 U.S.C. § 1446(b).

6. Exhibit A is a copy of “all process, pleadings, and orders served upon” the Defendants in this action, as required by 28 U.S.C. § 1446(a).

7. In accordance with 28 U.S.C. § 1446(d), Defendants are serving this Notice of Removal on counsel for Plaintiff, and also filing a copy of the Notice of Removal with the Clerk of Court for Florence County.

Dated this the 15th day of June, 2013.

RICHARDSON PLOWDEN & ROBINSON, P.A.

s/Eugene H. Matthews

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